

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
NISHIDA et al.

Confirmation No. Not Assigned
Atty Docket. No. 46244

International Appln. PCT/JP03/14210

Group Art Unit: Not Assigned
Examiner: Not Assigned

This Appln. Filed: May 6, 2005

Title: METHOD FOR PRODUCING FERMENTED BEVERAGES

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May 6, 2005

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicants hereby submits the attached PTO Form 1449 and copies of documents listed thereon which are disclosed in the specification of the subject application. This Information Disclosure Statement (IDS) is submitted along with the filing of the subject application and is thus filed before the issue by the PTO of any substantive Office Action in this application. **Accordingly, no additional IDS filing fee is required.**

Please note that the documents listed on the PTO Form 1449 as have an English language Abstract submitted herewith and listed document has an English language Abstract and a copy of English language counterpart EP 523333 A1. Additionally, please note that listed document is also listed in the International Search Report (ISR) which issued in the subject PCT application and which ISR has been submitted with the filing of the present U.S. application.

The applicants provide the following comments regarding the cited documents:

Receipt date: 05/06/2005

NISHIDA et al. – New Appln. filed May 6, 2005

This paper filed on May 6, 2005

1. Japanese Patent Public Disclosure No. Sho 58-155075

This reference shows a method for preventing the development of off-flavors.

However, since this reference teaches that the addition of yeast extract or the like allows reduction of a must smell in must wine, the invention of the reference is different from the present invention which relates to a method for producing fermented beverages at least through the step of stopping yeast-based fermentation in mid course, wherein the L-methionine concentration or the FAN level in wort is adjusted to prevent the development of off-flavors.

2. Japanese Patent Public Disclosure No. Hei 07-303457

This reference shows a method for preventing the development of off-flavors.

However, since this reference teaches the use of a yeast strain modified to carry a structural gene(s) in preventing the generation of hydrogen sulfide in beers, the invention of the reference is different from the present invention which relates to a method for producing fermented beverages at least through the step of stopping yeast-based fermentation in mid course, wherein the L-methionine concentration or the FAN level in wort is adjusted to prevent the development of off-flavors.

3. Japanese Patent Public Disclosure No. Hei 10-57044

This reference shows a method for controlling aroma.

However, since this reference teaches that the levels of malic acid and succinic acid are controlled by adjusting the fermentation temperature or the amount of yeast added, the invention of the reference is at least different from the present invention which relates to a method for producing fermented beverages through the step of stopping yeast-based fermentation in mid course, wherein the L-methionine

concentration or the FAN level in wort is adjusted to prevent the development of off-flavors.

4. Japanese Patent Public Disclosure No. Hei 10-52251

This reference shows a method for controlling aroma.

However, since this reference teaches that the levels of malic acid and succinic acid are controlled by controlling the level of free amino nitrogen generated in wort, the invention of the reference is at least different from the present invention which relates to a method for producing fermented beverages through the step of stopping yeast-based fermentation in mid course, wherein the L-methionine concentration or the FAN level in wort is adjusted to prevent the development of off-flavors.

5. Japanese Patent Public Disclosure No. Sho 61-58573

This reference shows a method for preventing the development of off-flavors.

However, since this reference teaches that diacetyl level can be reduced by avoiding introducing excess yeasts at a second stage of a two-stage fermentation process, the invention of the reference is at least different from the present invention which relates to a method for producing fermented beverages through the step of stopping yeast-based fermentation in mid course, wherein the L-methionine concentration or the FAN level in wort is adjusted to prevent the development of off-flavors.

6. Beer and Coolers

This reference describes methods for producing low-alcohol beers.

Receipt date: 05/06/2005

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7. MBAA TECHNICAL QUARTERLY Vol.17, No4,1980

This reference describes a method for producing low-alcohol beer by using yeast incapable of fermenting maltose.

8. Abriss der Bierbrauerei

This reference describes a method for producing low-alcohol beer by stopping the fermentation by cooling at the standard fermentation process.

However, a person of ordinary skill in the art would find it difficult to believe that these reports provide adequate discussion on the prevention of off-flavor development.

9. Japanese Patent Public Disclosure No. Hei 5-68528

This reference describes a method for producing low-alcohol beer by the addition of α -glucosidase in the mashing step, whereby fermentable sugars in a saccharified solution are converted into non-fermentable sugars.

However, a person of ordinary skill in the art would find it difficult to believe that these reports provide adequate discussion on the prevention of off-flavor development.

10. European Brewery Convention, Proceeding of the 19th Congress, 1983

This reference describes a method for producing low-alcohol beer by making a short contact between wort and yeast.

However, this approach at least suffers from the problem of a residual wort smell.

11. UK patent 2033424, 1980

This reference describes a method for producing low-alcohol beer by mixing normal beer with low-alcohol beer prepared from wort at low extract concentration

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12. Japanese Patent Public Disclosure No. 2002-291465

This reference shows a method for preventing the development of off-flavors at a fermentation stopping process.

However, since this reference teaches the use of mutated yeast strains to control a diacetyl smell in Japanese rice wines of low-alcohol concentration, the invention of the reference is different from the present invention which relates to a method for producing fermented beverages at least through the step of stopping yeast-based fermentation in mid course, wherein the L-methionine concentration or the FAN level in wort is adjusted to prevent the development of off-flavors.

13. Metabolic Maps

This reference is referred to show that hydrogen sulfide generated during fermentation is closely related to yeast metabolism in sulfur-containing amino acid production.

14. MBAA TECHNICAL QUARTERLY Vol. 21, 1984

This reference is referred to show that T-VDK production is affected by amino acid concentration in fermenting wort.

This IDS is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

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10/534104

JC06 Rec'd PTO/PTO 06 MAY 2005

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited along with an early action on the merits.

Entry of this IDS and favorable consideration of this application are respectfully requested.

Respectfully submitted,

MANELLI DENISON & SELTER, PLLC

By 
Paul E. White, Jr.
Reg. No. 32,011
Tel. No.: (202) 261-1050
Fax No.: (202) 887-0336

2000 M Street, N.W.
Seventh Floor
Washington, D.C. 20036-3307
(202) 261-1000

Substitute for form 1449A/PTO				<i>Complete if Known</i>	
				107534104	
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				First Named Inventor	NISHIDA et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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AR						
RR						
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DR						
FR						

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Inventor/Applicant Name	Document Number	Country	Date of Publication of Cited Document MM-DD-YYYY	English Abstract Encl No	Counterpart U.S. Appln. No.
FR		Sapporo Breweries	Sho 58-155075	JAPAN	September 14 1983	YES	
GR		Kumamoto Seifun KK	Hei 07-303457	JAPAN	November 21 1995	YES	
HR		Sapporo Breweries	Hei 10-57044	JAPAN	March 3 1998	YES	
IR		Sapporo Breweries	Hei 10-52251	JAPAN	February 24 1998	YES	
JR		Kirin Brewery Co. Ltd	Sho 61-058573	JAPAN	March 25 1986	YES	
KR		Sapporo Breweries	Hei 5-68528	JAPAN	March 23 1993	YES	

OTHER (Including in this order, Author, Title, Periodical Name, Date, Pertinent Pages)

LR	Moll, M. "Beers & Coolers- Definition Manufacture Composition", Intercept, Ltd.		
MR	Brenner, M.W., "Beers fro the Future" MBAA Technical Quarterly, Vol. 17, No. 4, pp 185-195, 1980		
NR	Abriss der Bierbrauerel, Verschiedene obergarige Biere und ihre Herstellung, p369.		
OR	Schur, F. "A New Method of Producing Alcohol-Free Beer", European Brewery Convention, Proceeding of the 19 th Congress, 1983		
PR	Metabolic Maps		
QR	Nakatani, K., et al. "Kinetic Study of Vicinal...Diketones" MBAA Technical Quarterly, Vol. 21, No.2 1984		

Examiner Signature	/Vera Stulii/ (05/26/2009)	Date Considered	05/26/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /V.S./ (05/26/2009)

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FS		Sannoro Breweries Ltd	EP 0 523 333	EUROPE	January 20 1993	YES	
GS		Barrell G. W.	GB 2 033 424	Britain	May 21 1980		
HS		Mivagi-Ken Mivagiken Shuzo	Hei 2002-291465	JAPAN	October 8, 2002	YES	
IS							
JS							
KS							

OTHER (Including in this order, Author, Title, Periodical Name, Date, Pertinent Pages)

LS			
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FR		Takeda Chemical Industries	JP 43 13670	JAPAN	June 10 1968		
GR		Kirin Beer Kabushiki Kaisha	FP 0160442	EUROPE	November 6 1985		
HR		Kyowa Hakko Knave Co. Ltd.	JP 10 179131	JAPAN	July 7 1998		
IR		Kirin Beer Kabushiki Kaisha	FP 228009	EUROPE	July 8 1987		
IR		Kirin Beer Kabushiki Kaisha	FP 339532	EUROPE	November 2 1989		
KR		Kirin Beer Kabushiki Kaisha	FP 160442	EUROPE	November 6 1985		

OTHER (Including in this order, Author, Title, Periodical Name, Date, Pertinent Pages)

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OR			
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